

REMARKS

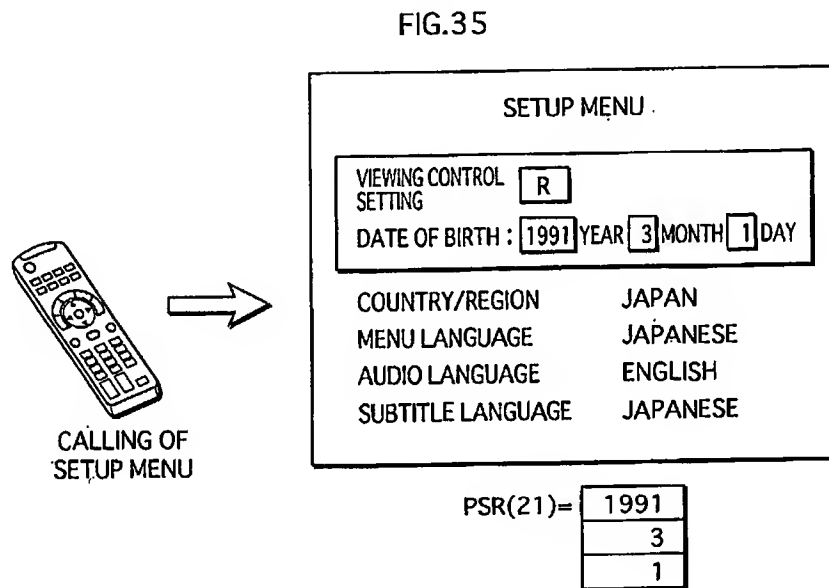
Our present invention is capable of uniquely facilitating the presentation of selected pieces of playback path information stored, for example, in a non-transitory recording medium. The recording medium provides a control program that can be executed in a playback device so that a digital stream recorded on the recording medium, for example a movie capable of providing alternative pluralities of pieces of playback path information, can be configured by an editor in a unique and highly efficient manner to enable worldwide distribution of such media.

A set up menu can be provided such as shown in Figure 35 where the user can input both country and the date of birth. This information can then be stored in a register of a playback device that is supported by non-volatile memory, as described in Paragraph [09157] of our printed publication, U.S. 2009/0034939:

[0157] The PSR set 23 is a built-in register of the playback device, and is realized by a nonvolatile memory. The state control unit 23 is made up of 64 Player Status Registers (PSR) and 4096 General Purpose Registers (GPR). PSR(13) storing therein a numeric value representing ages and PSR(20) storing therein country information are examples of PSRs of the state control unit 23. Among the setting values of the Player Status Registers (PSR), PSR4 to PSR8 are used for describing the current playback point of time.

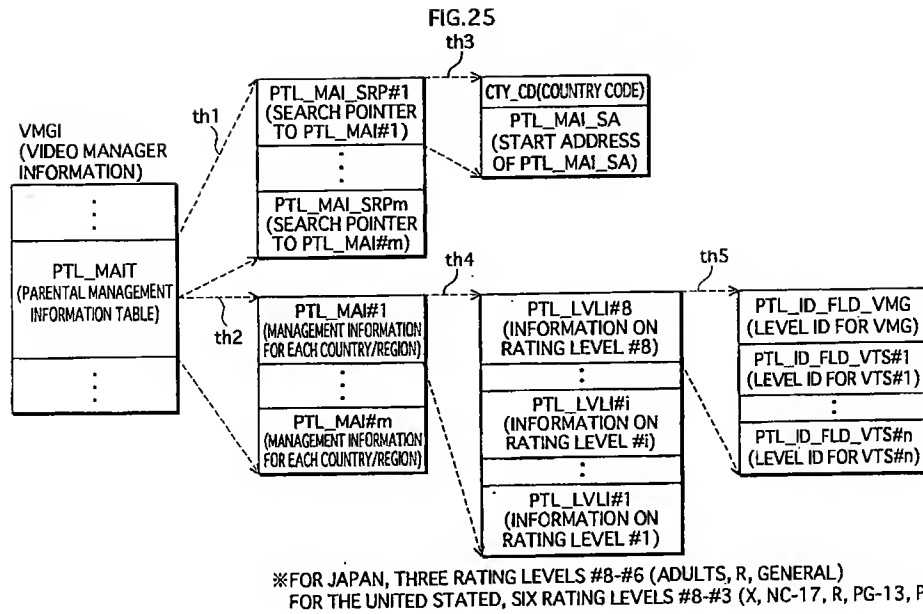
With input information such as the Country and a specific age, video manager information can then be implemented to provide search pointers for the respective Country specific and user's age to define a playback path of the digital stream. Thus, as noted in Paragraph [0192], an editor preparing a playback path having multiple playback levels for each country, is now provided with a procedure to save significant preparatory time in defining a format of the digital stream to be used worldwide.

Our present invention provides a non-transitory recording medium, a method and a playback device wherein a status register can be enabled to have a value indicating a user's age compared to a constant value. At least one of a plurality of pieces of playback information can be selected according to the result of such a comparison and a digital stream can be played back based on a selection of at least one of the playback path information. Both the age and Country can be entered in a setup menu, for example as shown in Figure 35, as follows:



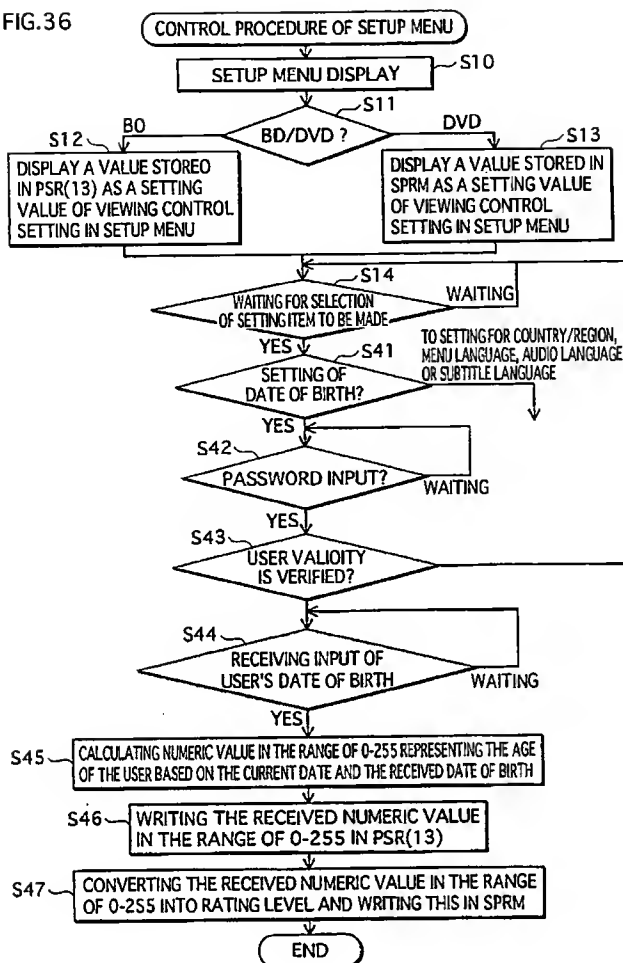
[0192] Although a DVD-Video involves an immense amount of effort to define playback paths having multiple playback levels for each country, the present invention is able to omit the trouble of defining playback paths because it enables the definition of parental control for each country by executing selection procedures using a code of a country as a parameter.

An example of the structure of such video manager information can be seen without limitation to a specific embodiment, in Figure 25:



References can be further made, for example, to Paragraphs [0202] and [0203] of our present specification. Additionally, a dynamic relationship can be established, where upon the insertion of the date of birth to define the age, the set up menus can be altered based on a current date so that the level of control can be altered in the future as a feature of our present invention. See Paragraphs [0227] through [0233] and Figure 36, as follows:

FIG. 36



The Office Action indicated that the subject matter of Claims 5-10 and 12 would be allowable if rewritten in independent form.

Applicant requests that this indication of allowable subject matter be held in abeyance until the following remarks can be considered. It is also believed that the allowance of some of the dependent claims, would also warrant being allowable if also made dependent upon independent Claims 13-15, when appropriately modified as method limitations.

The Office Action rejected Claims 1-3, 13 and 14 as being completely anticipated by applicant's own *Yahata et al.* (U.S. Patent Publication 2006/0045481) under 35 U.S.C. §102.

“‘[T]he dispositive question regarding anticipation is whether one skilled in the art would reasonably understand or infer from the prior art reference’s teaching that every claim [limitation] was disclosed in that single reference.’ *Dayco Prods., Inc. v. Total Containment, Inc.*, F.3d 1358, 1368 (Fed. Cir. 2003).

As can be appreciated, this is a relatively crowded field with a number of large international companies with skilled engineers and scientists competing to provide advances in both performances and economy of production in this field. Accordingly, improvements that address such issues should have the patentability of such advancements taken into consideration based on such an environment.

The *Yahata et al.* reference recognized issues in providing interactive controls during the course of reproduction of a motion picture by providing buttons that can be realized by setting a time stamp so the buttons appear as graphic data with a capacity to disclose a change of state of specific buttons coordinated with a multiplexing of the video stream with the graphic data. In this particular environment, a time period will determine the initial time and the ending time period for the appropriate graphic data to be displayed. More particularly, the position uniquely of a time stamp would permit a reproduction apparatus to immediately respond to a user operation, even if decoding for the entire graphics data sequence has not been completed. For example, the initial button can be displayed while the subsequent data of the button have yet to be decoded and stored.

This is the novelty that a person of ordinary skill in this field would perceive from reviewing the *Yahata et al.* reference.

The Office Action, however, relied upon a parental level of control, contending it would be inherent that a user age has been set and compared in order for a parental level to be set.

“[A]nticipation by inherent disclosure is appropriate only when the reference discloses prior art that must *necessarily* include the unstated limitation. . . .”

Transclean Corp. v. Bridgewood Services, Inc., 290 F.3d 1364, 62 USPQ2d 1865 (Fed. Cir. 2002)

While the *Yahata et al.* reference discloses a status register indicating the status of a playback device, it is clear that the *Yahata et al.* reference is not addressing the issues recognized and resolved in our present invention. The parental level set in the *Yahata et al.* reference defines a parental viewing control based on a rating level and cannot be adapted to other playback control descriptions in different countries in the same manner as defined in our current claims. In our invention, a value indicating a user’s age is stored in the status register and a piece of playback information is selected based on the stored value indicating the user’s age.

Thus, *Yahata et al.* would teach to a person of ordinary skill in the field to provide playback control for controlling a viewing of extreme scenes and by changing scenes to be played according to a level of control that a user enters in response to different descriptions defined as states in the control program. Our present invention by comparison provides a playback control for controlling the viewing of extreme scenes and a control to change scenes to be played according to the development of the user to be realized by the same description. We expand the application range of playback control and enable a universal system to be adapted that can be implemented in different countries based upon separate individual parental controls adopted by such industries or regulatory agencies in such countries.

Accordingly, our present invention claims define a playback device that comprises a status register in which a value indicating a user’s age is stored with a piece of playback path information selected using the value indicating the user’s age set on the playback device.

Yahata et al. fails to disclose any such status register that stores therein a value indicating the user's age, but rather stores only a parental level set by the user for being stored in PSR (13) as defined in Paragraphs [0235] and [0248] as follows:

[0235] The player register group 19 is a register embedded in the control unit 20, and is comprised of 32 player status registers and 32 general purpose registers. The meaning of the setting value of the player status registers (PSR) is described below. In the following, the notation as "PSR(x)" represents a setting value of the xth player status register.

* * *

[[0248] PSR(13): parental level setting by a user.

Referring to Claim 2, the Office Action asserted that the *Yahata et al.* reference disclosed every feature of checking a registered-stored value indicating one of a Country and a selection process that is performed only if the registered-stored value is a predetermined value.

Yahata et al., as can be seen in Paragraphs [0251] through [0253] only stores values as follows:

The PSR (16), the PSR (17), and the PSR (18) store therein values indicating "Language Code for Audio," "Language Code for Subtitle," and "Language Code for Menu," respectively, and none of these registers store therein a value indicating a Country.

Also, *Yahata et al.* fails to disclose a method of using a value stored in the status register: "only if the register-stored value indicating a Country is a predetermined value, the playback device is caused to compare a value stored in the status register to a constant, and select at least one of the pieces of playback path information, according to a result of the comparison, the value indicating an age of a user set on the playback device."

In summary, *Yahata et al.* fails to disclose a description of a status register that stores therein a value indicating a Country and the method of using the value stored in the status

register. The present invention is significantly technically different from *Yahata et al.*, and therefore the novelty of the present invention cannot be negated over *Yahata et al.*

The Office Action further asserted that Claim 11 would be obvious over the teachings of the *Yahata et al.* reference when further taken in view of *Nakamura* (U.S. Patent No. 6,847, 777) under 35 U.S.C. §103.

Needless to say, *Nakamura* does not rectify the failings of the *Yahata et al.* reference as described above. *Nakamura* discloses that a viewer's age is calculated based on his date of birth, and viewing control is performed using the calculated age. However, the viewer's age is only used for a viewing control, calculated based on the date of birth, and is not stored in a register or the like included in a computer.

Also, according to *Nakamura*, mere judgment is performed as to whether playback is permitted, such as if the viewer's age is low, a video content is not played back. *Nakamura* fails to disclose any selection of a piece of playback path information, unlike the present invention. In other words, *Nakamura* fails to disclose a control procedure of the playback device of Claim 11, that is, a procedure of selecting at least one of a plurality of pieces of playback path information using a value indicating a user's age stored in the status register.

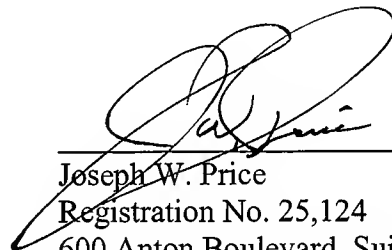
Our present invention provides a playback device which comprises a status register on which a value indicating a user's age is stored, the value stored in the status register is compared to a constant, and at least one of a plurality of pieces of playback path information is selected according to a result of the comparison. These characteristics achieve the following effects of a playback control for controlling the viewing of extreme scenes and a control to change scenes to be played according to the development of the user can be realized by the same description. As a result, the range of the playback control application can be expanded.

This advantageous feature would be unobvious to one of ordinary skill in the art, at the time the present invention was made. It is respectfully submitted that the present application is in condition for allowance and an early notification of the same is requested.

If the Examiner believes a telephone interview will assist in the prosecution of this case, the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

SNELL & WILMER L.L.P.

A handwritten signature in black ink, appearing to read "J. Price", is written over a horizontal line.

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